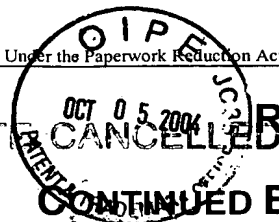
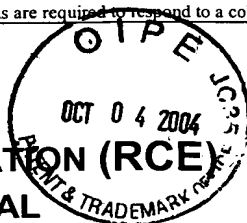


MAIL DATE



REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL



Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.
See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/902,634
Filing Date	July 10, 2001
First Named Inventor	Ashkenazi, et al.
Group Art Unit	1646
Examiner Name	Chernyshev, Olga N.
Attorney Docket Number	39780-1618P2C30

Handwritten: RCE

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. s 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. §1.114.**

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on
(Any unentered amendment(s) referred to above will be entered)

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on

iii. ☐ Other

b. ☒ Enclosed

i. ☒ Preliminary Amendment

ii. ☒ Affidavit(s)/Declaration(s) – **Sherman Fong, Ph.D., with Exhibits A-I**

iii. ☐ Information Disclosure Statement (IDS)

iv. ☒ Other – **Substitute Specification; Statement under C.F.R. 1.125(b).**

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F. R. § 1.17(i) required)

b. ☐ Other

3. **Fees** The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 08-1641 (**Docket No. 39780-1618P2C30**)

i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) = **\$790.00**

ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

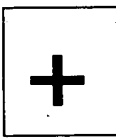
iii. ☐ Other

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	DAPHNE REDDY	Registration No. (Attorney/Agent)	53,507
Signature	<i>Daphne Reddy</i>	Date	OCTOBER 4, 2004

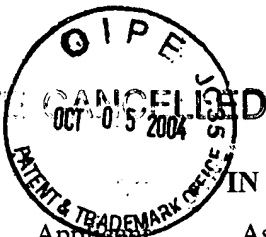
CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post office to Addresses" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop RCE , Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this date: October 4, 2004	
Name (Print/Type)	CHERYL ROGERS
Signature	<i>Cheryl Rogers</i>
Date:	October 4, 2004
Express Mail Label:	EL 993 689 409 US



Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Mail Stop _____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

BEST AVAILABLE COPY

09902634
10/08/2004 JBAL:INAW 00000002 081641
01 FC:1801 790.00 DA



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashkenazi et al. Docket No.: 39780-1618P2C30
Serial No.: 09/902,634 Group Art Unit: 1646
Filing Date: July 10, 2001 Examiner: Olga Chernyshev

SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME



AS: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 C.F.R. §1.125(b)

Sir:

I hereby state, as required by 37 C.F.R. §1.125(b), that the accompanying substitute specification includes no new matter. I further submit that the changes requested in the accompanying amendment do not include new matter and merely requests the same changes previously entered by amendment in the above and parallel applications.

Respectfully submitted,

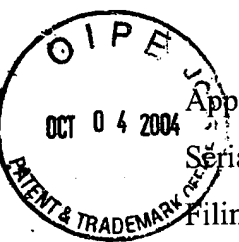
Date: October 4, 2004

Daphne Reddy
Daphne Reddy
Reg. No. 53,507

HELLER EHRMAN WHITE & McAULIFFE LLP

Customer No. 35489
275 Middlefield Road
Menlo Park, California 94025
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

SV 2030943 v1
10/4/04 1:10 PM (39780.1618)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashkenazi et al. Docket No.: 39780-1618P2C30
Serial No.: 09/902,634 Group Art Unit: 1646
Filing Date: July 10, 2001 Examiner: Chernyshev, Olga N.

For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND
NUCLEIC ACIDS ENCODING THE SAME**

EXPRESS MAIL LABEL NO. EL 993 689 409 US

Date Mailed: October 4, 2004

PRELIMINARY AMENDMENT

MS: RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Preliminary amendment accompanies a Request for Continued Examination (RCE) under 37 CFR § 1.114 for the above identified application. A Notice of Appeal was filed August 4, 2004 in this case. This RCE filing and Preliminary amendment are being timely filed with necessary fees. Accompanying this filing is a "Substitute Specification" with a Statement filed under 37 CFR § 1.125(b), a Declaration by Sherman Fong, Ph.D with exhibits A-I and a copy of his curriculum vitae. Entry of the substitute specification, declaration and amendments are respectfully requested.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims that begins on page 10 of this paper.

Remarks/Arguments begin on page 11 of this paper.